

REMARKS

This Amendment is responsive to an Official Action that issued in this case on 28 December 2005. In that Action:

- Claims 20-22 and 25-26 were rejected under 35 USC §102 as being anticipated by U.S. Published Patent Application No. 2004/0065247 to Horton.
- Claims 1, 6-7, 10 and 27 were rejected under 35 USC §103 as being obvious over Horton in view of U.S. Pat. No. 6,842,674 to Solomon.
- Claims 3, 5, 8-9 and 10-12 were objected to as being dependent upon a rejected base claim but would allowable if appropriately rewritten.
- Claims 13-16 were allowed.

Responsive to the Action, applicant hereby amends claims 1, 5, and 8-10. Furthermore, applicant has canceled claim 3. Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The Rejection of Claims 20-22 and 25-26 Under 35 USC §102

Independent claim 20 recites, in pertinent part, a method comprising:

<p>reversibly coupling a housing to an object that is submerged in water, wherein said housing has a posterior portion and an anterior portion, and wherein said posterior portion is movable independently of said anterior portion; and</p> <p>generating energy by moving said housing through said water, wherein said energy is generated by movement of said posterior portion of said housing.</p>

The Office alleges that Horton shows in Fig. 7 a "first/anterior portion on the right of the figure and a propeller 25 which constitutes a second/posterior portion on the left and that the motor becomes a generator when water turns the propeller. Thus, the propeller, or the second/posterior portion, is moving independently from the anterior portion of the housing."

Applicant agrees with the Office that the propeller moves independently of the anterior portion of the housing. For that matter, applicant notes that the propeller also moves

independently of the posterior portion of the housing. But a propeller is not what is recited in claim 20.

Claim 20 recites a housing having a posterior portion and an anterior portion. And claim 20 recites that energy is generated by movement of the posterior portion of the housing. Horton doesn't generate energy by moving the posterior portion of hull (26). In Horton, energy is generated as water turns propeller (25).

It is understood that the claim language must be given its broadest *reasonable* interpretation during examination. But it is not understood how, under the circumstances, Horton's "propeller (25)" can be reasonably interpreted to read on applicant's claimed housing. In Horton, the "hull (26)" is analogous to the claimed "housing," not the propeller.

Since Horton does not disclose or suggest generating energy by moving the housing through water, wherein the energy is generated by movement of said posterior portion of the housing, Horton does not anticipate (or even obviate) claim 20.

Claims 21-22 and 25-27 are allowable by virtue of their dependence on claim 20. The recitation of additional patentable features in these claims provides a further basis for their patentability.

**The Rejection of Claims
1, 6-7, and 10
Under 35 USC §103**

The Office alleged that these claims are obvious over the combination of Horton and Solomon.

The Office also indicated that claim 3, 5, 8-9, and 10-12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to incorporate the limitations of claim 3 and, therefore, should now be allowable. Since claims 5-7 are dependent upon claim 1, they are likewise allowable. The recitation of additional patentable features in these claims provides a further basis for their patentability.

Claim 8 has been rewritten as an independent claim, incorporating the limitations of claim 1 and, therefore, should now be allowable. Since claim 9 is dependent upon claim 8, it is

likewise allowable. The recitation of additional patentable features in claim 9 provides a further basis for its patentability.

Claim 10 has been rewritten as an independent claim, incorporating the limitations of claim 1 and, therefore, should now be allowable. Since claims 11-12 are dependent upon claim 10, it is likewise allowable. The recitation of additional patentable features in claims 11 and 12 provide a further basis for their patentability.

Conclusion

In view of the foregoing, it is believed that claims 1, 5-16, 20-22, and 25-27 now presented for examination are in condition for allowance. A notice to that effect is solicited.

Should there remain unresolved issues the applicants respectfully request that Examiner telephone the applicants' attorney at 732-578-0103 x12 so that those issues can be resolved as quickly as possible.

Respectfully,

By **/Wayne S. Breyer/**
Wayne S. Breyer
Reg. No. 38089
Attorney for Applicants
732-578-0103 x12

DeMont & Breyer, L.L.C.
Suite 250
100 Commons Way
Holmdel, NJ 07733
United States of America